

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE AMITIZA ANTITRUST
LITIGATION

Civil Action No. 1:21-cv-11057-MJJ

**DIRECT PURCHASER CLASS PLAINTIFFS' ASSENTED TO MOTION FOR
SCHEDULE ON TAKEDA'S MOTION TO STRIKE DECLARATION OF THOMAS M.
SOBOL AND PORTIONS OF DPPS' RELATED FILINGS THAT REFER TO OR
RELY UPON IT**

Pursuant to Local Rule 7.1 of the United States District Court for the District of Massachusetts, the direct purchaser plaintiffs respectfully move to place Takeda's Motion to Strike Declaration of Thomas M. Sobol and Portions of DPPs' Related Filings that Refer to or Rely Upon It (the motion) on the same schedule as the pending class certification proceedings, making the direct purchaser plaintiffs' opposition due on September 23, 2024.

On June 14, 2024, the direct purchaser plaintiffs filed their motion for class certification. In connection with that filing, the direct purchaser plaintiffs filed the Declaration of Thomas M. Sobol (the Sobol declaration).¹

On August 23, 2024, Takeda filed its opposition to the direct purchaser plaintiffs' motion for class certification.²

Related to that opposition, Takeda filed the motion, asking this court to strike sections I – V of the Sobol declaration, as well as the portions of the memorandum in

¹ ECF No. 249-1.

² ECF No. 292.

support of direct purchaser plaintiffs' motion for class certification that refer to it, arguing that it constitutes additional attorney argument related to class certification.³

Because the motion is related to the class certification proceedings, the direct purchaser plaintiffs respectfully request that the opposition be due on the same day as their reply brief on class certification: September 23, 2024. In the absence of this schedule, the opposition to the motion would be due on September 6, 2024, two and a half weeks before the class certification reply is due.

Takeda does not object to the relief requested.

Dated: August 30, 2024

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Erin C. Burns

Erin C. Burns (*pro hac vice*)
Thomas M. Sobol (BBO #471770)
Jessica R. MacAuley (BBO #685983)
Rebekah Glickman-Simon (BBO # 708043)
Daniel Polonsky (BBO #709609)
1 Faneuil Hall Square
Boston, MA 02109
Tel: (617) 482-3700
Fax: (617) 482-3003
erinb@hbsslaw.com
tom@hbsslaw.com
jessicam@hbsslaw.com
rebekahgs@hbsslaw.com
danielp@hbsslaw.com

Mark T. Vazquez (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
455 N. Cityfront Plaza Dr.
Suite 2410
Chicago, IL 60611
Tel: (708) 628-4962
Fax: (708) 628-4950
markv@hbsslaw.com

³ ECF No. 290.

*Attorneys for FWK Holdings LLC, Meijer, Inc.,
Meijer Distribution Inc., and the Proposed Class*

Michael L. Roberts (admitted *pro hac vice*)
Stephanie E. Smith (admitted *pro hac vice*)
ROBERTS LAW FIRM US, PC
20 Rahling Cir.
Little Rock, AR 72223
Tel: (501) 821-5575
mikeroberts@robertslawfirm.us
stephaniesmith@robertslawfirm.us

*Attorneys for KPH Healthcare Services, Inc., a/k/a.
Kinney Drugs, Inc. and the Proposed Class*

Joseph M. Vanek (BBO # 551083)
David P. Germaine (admitted *pro hac vice*)
Eamon P. Kelly (admitted *pro hac vice*)
John P. Bjork (admitted *pro hac vice*)
SPERLING & SLATER, LLC
55 W. Monroe St., Suite 3200
Chicago, IL 60603
Tel: (312) 641-3200
jvanek@sperling-law.com
dgermaine@sperling-law.com
ekelly@sperling-law.com
jbjork@sperling-law.com

John D. Radice (*pro hac vice*)
RADICE LAW FIRM, P.C.
475 Wall St.
Princeton, NJ 08540
Tel: (646) 245-8502
Fax: (609) 385-0745
jradice@radicelawfirm.com

*Attorneys for FWK Holdings LLC, Meijer, Inc.,
Meijer Distribution Inc., and the Proposed Class*

CERTIFICATE OF SERVICE

I, Erin C. Burns, certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record. Parties may access the filing through the Court's system.

Dated: August 30, 2024

/s/ *Erin C. Burns*

Erin C. Burns